



**GOVERNMENT OF THE DISTRICT OF COLUMBIA
COMMISSION ON HUMAN RIGHTS**

Commission Meeting: January 8, 2004

Commissioners

Present

Deborah Wood Dorsey, Chairperson
Mario Acosta-Velez
Christina Fleps
James E. Joiner
Joe E. Leonard (Designate)
Bro. Donald F. Lippert
Pierpont Mobley
Donald Murray
Warner H. Session
Michael E. Ward
Christine M. Warnke
Daniel Wedderburn

Absent

Rev. Susan N. Blue
Darryl Ross
Frank Wu

For the Commission Staff

Cornelius R. Alexander, Jr., Chief Hearing Examiner

For the Office of Human Rights

Kenneth L. Saunders, Director

Guest

Ann Rollins, member of the public

I. CALL TO ORDER

Due to the late arrival of Chairperson Dorsey, Vice-Chairperson Acosta-Velez called the meeting to order at 6:11 P.M.

II. ROLL CALL/ANNOUNCEMENT OF QUORUM

Although there was no quorum initially, the arrival of additional Commissioners established the quorum.

III. APPROVAL OF THE NOVEMBER 13, 2003 MINUTES

The Commission approved by voice vote the November 13, 2003 minutes with the following correction:

-Roman Numeral III, change July 10, 2003 to September 11, 2003

Vice-Chairperson Acosta-Velez turned over the gavel to Chairperson Dorsey upon her arrival to the meeting.

IV. DIRECTOR'S REPORT

Director Kenneth L. Saunders reported on activities at the Office of Human Rights (OHR). He stated that at the end of fiscal year 2003, the OHR achieved over one million dollars in settlements for complainants. For the first quarter of fiscal year 2004, the OHR has already achieved \$541,000 in settlements.

In other matters Mr. Saunders reported that the number of aged cases have increased slightly from 264 cases to 287 cases. The increase is caused in part by the staff members in the Legal Unit concentrating on legislative matters during November and December instead of reviewing cases for legal sufficiency. The Director also reported on the fiscal year 2004 strategic goals for OHR.

In addition, the Director reported that the OHR has a \$291,000 shortfall in its 2004 budget. The shortfall was caused by the city failing to fully fund the allotted full time positions approved during the last budget cycle. As a result, the OHR cannot hire anyone in four vacant positions. The Chief Financial Officer is in the process of correcting the problem.

V. CHIEF HEARING EXAMINER'S REPORT

Chief Hearing Examiner Cornelius R. Alexander, Jr. reported that on December 11, 2003, the Commission issued its final decision and order in *Person v. Bogart Properties*, finding that the Complainant failed to establish a prima facie case of discrimination during the hearing. As a result, the Commission dismissed the complaint. In other matters, the Chief Hearing Examiner reported that the hearing in *Fenicle v. Gallaudet University* would resume on April 12, 2004 after the Commission found sign language interpreters who could properly interpret the proceeding.

VI. DISCUSSION WITH A MEMBER OF THE PUBLIC

Ann Rollins, a member of the public, requested the Commission to verify the appeal process of a case that is administratively dismissed from the Office of the Human Rights. She believed that such dismissals are appealed to the Commission. Chief Hearing Examiner Alexander responded by stating that a person may request a reconsideration of the dismissal within 15 days or file an appeal with the District of Columbia Superior Court. He further stated that the Commission only has jurisdiction over private sector complaints that received probable cause and have failed to settle during the conciliation process.

Ms. Rollins further complained to the Commission that she has filed several Motions for Reconsideration with Director Saunders but he has not ruled on any of the motions. She also complained that the OHR has not considered any of her complaints regarding gender pricing in hair salons. Finally, Ms. Rollins wanted the Commission to be aware that the OHRs' internal changes of case processing that allows for limited investigations may violate the Administrative Procedures Act in that there was no public notice of the changes.

In response to Ms. Rollins' complaints regarding gender pricing in hair salons, Director Saunders stated that those complaints were not dismissed. Each complaint resulted in a settlement agreement. However, Ms. Rollins did not have standing to be part of any of the settlement agreements. In an attempt to resolve Ms. Rollins' concern regarding the motions for reconsideration, Chairperson Dorsey suggested that Ms. Rollins refile the motions during regular business hours at the OHR. The Chairperson stated that she would advise the Director to respond to them.

VII. CHAIRPERSON'S REPORT

Chairperson Dorsey reported that on December 10, International Human Rights Day, the Commission conducted a successful panel discussion with various members of the community who discussed the importance and progress of the Human Rights Act for their respective communities. The panelists were Joan Kuriansky of Wider Opportunities for Women, Craig Howell of the Gay and Lesbian Activists Alliance, Robert Raben of the D.C. Hispanic Bar Association and Ned Sloan of the DC Branch of the NAACP. Also in attendance was Deputy Mayor Carolyn Graham. Topics discussed included poverty, the inability of immigrants to assimilate, and failure of various communities having equal access to government services. Ned Sloan of the NAACP asked the Commission to attend their monthly meetings, which are held at the Israel Baptist Church. The Chairperson thanked Vice-Chairperson Acosta-Velez and Chief Hearing Examiner Alexander for putting the panel discussion together.

Vice-Chairperson Acosta-Velez reported that the Commission is planning to write a report on the panel discussion with a summary of the presentations and any recommendations. Mr. Acosta-Velez further stated that the panel discussion and report would enhance the Commission's outreach efforts in the community. He also stated that according to the Outreach Committee's action plan; the Commission will now meet with leaders of the different communities.

The Vice-Chairperson also reported that he and Commissioner Lippert discussed outreach on Radio America, a radio program for the Hispanic community.

In discussion concerning outreach and the Commission's budget constraints, Commissioner Warnke suggested that the Commission establish a 501(c) funding arm called the "Friends of the Commission" whose purpose is to provide funds for the outreach programs.

In other matters, the Chairperson reported that the new date for Commissioner training is January 22, 2004 at 6:00 P.M.

VIII. NOMINATIONS AND ELECTIONS OF OFFICERS

Commissioner Joiner nominated Commissioner Mobley for Vice-Chairperson who accepted the nomination. Commissioner Warnke nominated Commissioner Acosta-Velez for a second term as Vice-Chairperson. By secret ballot, Commissioner Acosta-Velez was elected for a second term as Vice-Chairperson.

Vice-Chairperson Acosta-Velez nominated Commissioner Fleps as Secretary, which she declined. Commissioner Mobley nominated Commissioner Warnke as Secretary, which she accepted. By voice vote, Commissioner Warnke was elected as Secretary to the Commission.

IX. OLD BUSINESS

No old business reported.

X. NEW BUSINESS

No new business reported

XI. ANNOUNCEMENTS

Commissioner Warnke thanked Commissioner Acosta-Velez and Chief Hearing Examiner for putting the panel discussion together.

Commissioner Warnke also announced that she is putting together an international foundation that will assist children with disabilities. The kick-off of the foundation will be held at Café Milano on Super bowl Sunday. Further information will be sent to the Commissioners. Proceeds from the foundation will go to children with disabilities that are homeless and to orphaned children in Afghanistan.

XII. ADJOURNMENT

Commissioner Murray motioned to adjourn the meeting, which was seconded by Commissioner Mobley. By voice vote, the Commission adjourned its monthly meeting at 7:37 P.M.

Respectfully submitted,

Christine Warnke
Secretary